



ENVIRONMENTAL PROTECTION AGENCY

[FRL-10746-01-R9]

Revision of Approved State Primacy Program for the State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval.

SUMMARY: Notice is hereby given that the State of Nevada revised its approved State primacy program under the Federal Safe Drinking Water Act (SDWA) by adopting regulations that effectuate the Federal Radionuclides Rule. The Environmental Protection Agency (EPA) has determined that Nevada's revision request meets the applicable SDWA program revision requirements and the regulations adopted by Nevada are no less stringent than the corresponding Federal regulations. Therefore, EPA approves this revision to Nevada's approved State primacy program. However, this determination on Nevada's request for approval of a program revision shall take effect in accordance with the procedures described below in the **SUPPLEMENTARY INFORMATION** section of this notice after the opportunity to request a public hearing.

DATES: A request for a public hearing must be received or postmarked before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Documents relating to this determination that were submitted by Nevada as part of its program revision request are available for public inspection online at <https://ndep.nv.gov/posts>. In addition, documents relating to this determination are available by appointment between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, except official State or Federal holidays, at the following address: Nevada Division of Environmental Protection, Administration Office, 901 South Stewart Street, Suite 4001, Carson City, NV 89701. Please contact the Bureau of Safe Drinking Water at (775) 687-9521 to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: Samantha Bishop, EPA Region 9, Drinking Water Section; via telephone at (415) 972-3411 or via email address at bishop.samantha@epa.gov

SUPPLEMENTARY INFORMATION: Background. EPA approved Nevada's initial application for primary enforcement authority ("primacy") of drinking water systems on February 27, 1978 (43 FR 8030). Since initial primacy approval, EPA has approved various revisions to Nevada's primacy program. For the revision covered by this action, EPA promulgated the Federal Radionuclides Rule at 40 CFR 141.25, 141.26 and 141.66. EPA promulgated National Interim Primary Drinking Water Regulations (NIPDWRs) for radioactivity in drinking water on July 9, 1976. The 1986 amendments to the Safe Drinking Water Act finalized the NIPDWRs and required EPA to promulgate Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for radionuclides, radon and uranium. On December 7, 2000, EPA revised the Radionuclides Rule which modified the monitoring provisions for community water systems and established a new drinking water standard for uranium and new analytical methods (65 FR 76708). On August 25, 2004, EPA published minor corrections to the Radionuclides Rule that clarified rule language and provided a detection limit for uranium (69 FR 52176). EPA has determined that Nevada has adopted into state law Radionuclides Rule requirements that are comparable to and no less stringent than the Federal requirements. EPA has also determined that the State's program revision request meets all of the regulatory requirements for approval, as set forth in 40 CFR 142.12, including a side-by-side comparison of the Federal requirements demonstrating the corresponding State authorities, additional materials to support special primacy requirements of 40 CFR 142.16, a review of the requirements contained in 40 CFR 142.10 necessary for States to attain and retain primary enforcement responsibility, and a statement by the Nevada Attorney General certifying that Nevada's laws and regulations to carry out the program revision were duly adopted and are enforceable. The Attorney General's statement also affirms that there are no environmental audit

privilege and immunity laws that would impact Nevada’s ability to implement or enforce the Nevada laws and regulations pertaining to the program revision. Therefore, EPA approves this revision of Nevada’s approved State primacy program. The Technical Support Document, which provides EPA’s analysis of Nevada’s program revision request, is available by submitting a request to the following email address: R9dw-program@epa.gov. Please note “Technical Support Document” in the subject line of the email.

Public Process. Any interested person may request a public hearing on this determination. A request for a public hearing must be received or postmarked before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]** and addressed to the Regional Administrator of EPA Region 9, via the following email address: R9dw-program@epa.gov, or by contacting the EPA Region 9 contact person listed above in this notice by telephone if you do not have access to email. Please note “State Program Revision Determination” in the subject line of the email. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a timely request for a public hearing is made, then EPA Region 9 may hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's interest in the Regional Administrator’s determination and of information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely request for a hearing or a request for a hearing was denied by the Regional Administrator for being frivolous or insubstantial, and the Regional Administrator does not elect to hold a hearing on their own motion, EPA’s approval shall become final and effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: February 23, 2023.

Martha Guzman Aceves,
Regional Administrator,
EPA Region 9.

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